

## **Regulation and Review Committee Panel**

**11 July 2017**

Present: Councillor P Earley (Chair)  
Councillor John Hunter, M Madden, K Osborne and J O'Shea

### **RQ11/07/17 Apologies for Absence**

No apologies for absence were received.

### **RQ12/07/17 Declarations of Interest and Dispensations**

Councillor P Earley declared that he had a personal non-registerable interest in Item 6 (minute RQ16/07/17) as the referred driver was a member of his Labour Party branch. In light of the fact that Councillor Earley was facing re-selection in a few weeks time he would leave the room for the consideration of this matter and take no part in the decision making to avoid any accusation of bias.

Councillors John Hunter, M Madden, K Osborne and J O'Shea all declared that they had an open mind on the matter and would take their decision based on the information presented to them and in the interest of all the residents of the borough.

### **RQ13/07/17 Exclusion Resolution**

**Resolved** that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

### **RQ14/07/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral**

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence driver, Mr A, whose licence had been suspended and had requested its re-instatement.

The Committee was requested to assess Mr A's continued suitability to carry out the duties of a licensed driver and determine whether to reinstate his licence, extend the suspension period or revoke the licence.

A Licensing Officer, representatives from Northumbria Police and Mr A attended the meeting.

The Licensing Officer presented the report and then representatives from Northumbria Police made a statement. Members of the Committee then asked questions.

Mr A then addressed the Committee. Members of the Committee asked questions of Mr A and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr A, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7, section B, which makes reference to conduct.

Taking all that had been presented to the Committee and contained within the papers submitted to the meeting, the Committee determined that Mr A's licence should be revoked with immediate effect on the grounds of public safety as it could not be satisfied that he remained a fit and proper person to hold a licence.

The overriding consideration of the licensing regime was the safety of the public. The Council had a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, are safe drivers with a good driving record, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers. The Committee determined that the behaviour detailed in the report and the actions of the Courts meant that Mr A no longer met that standard.

**Resolved** that Mr A's combined hackney carriage/private hire driver's licence be revoked with immediate effect in the interests of public safety as the Committee was no longer satisfied that he was a fit and proper person to hold such a licence.

### **RQ15/07/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral**

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence driver, Mr A.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr A's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr A, accompanied by a friend, Mr D, attended the meeting.

The Licensing Officer presented the report and Members of the Committee asked questions.

Mr A then addressed the Committee, assisted by Mr D. Members of the Committee asked questions of Mr A and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr A, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7, section B, which makes reference to conduct.

Taking all that had been presented to the Committee and contained within the papers submitted to the meeting, the Committee determined that Mr A's licence should be suspended for a period of four weeks.

The Committee considered all options available to it and determined that due to the circumstances of the case, a suspension of four weeks was the most appropriate sanction as it was an effective way of giving Mr A time to reflect and would be a sufficient deterrent to prevent a repeat in the future.

**Resolved** that Mr A's combined hackney carriage/private hire driver's licence be suspended for a period of four weeks.

### **RQ16/07/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral**

Prior to the consideration of this report Councillor P Earley vacated the Chair and left the meeting room as he had a personal non-registerable interest in the matter. As Deputy Chair, Councillor John Hunter assumed the Chair.

[Councillor John Hunter in the Chair]

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence driver, Mr G.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr G's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr G attended the meeting.

The Licensing Officer presented the report and Members of the Committee asked questions.

Mr G then addressed the Committee. Members of the Committee asked questions of Mr G and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr G they both left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7, section B, which makes reference to conduct.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. Taking all that had been presented to the Committee and contained within the papers submitted to the meeting and the circumstances of the case, the Committee determined that, on this occasion, there was sufficient reason to use its discretion and depart from the Policy and issue a warning. A warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

**Resolved** that Mr G be issued with a written warning and be reminded of the responsibilities which come with holding a combined hackney carriage and private hire drivers licence.

### **RQ17/07/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral**

Prior to the consideration of this matter Councillor P Earley returned to the meeting room and resumed the Chair for the meeting.

[Councillor P Earley in the Chair]

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence driver, Mr U.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr U's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr U, accompanied by his partner, Ms F, attended the meeting.

The Licensing Officer presented the report and Members of the Committee asked questions.

Mr U then addressed the Committee. Members of the Committee asked questions of Mr U and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr U all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7, section B, which makes reference to conduct.

Taking all that had been presented to the Committee and contained within the papers submitted to the meeting, the Committee determined that Mr U's licence should be suspended for a period of four weeks.

The Committee considered all options available to it and determined that a suspension of four weeks was the most appropriate option as it was an effective way of prompting Mr U to consider the reasons for his referral and would be sufficient deterrent to avoid repetition.

**Resolved** that Mr U's combined hackney carriage/private hire driver's licence be suspended for a period of four weeks.